

90th Legislative Session – 2015

Committee: House Commerce and Energy

Wednesday, January 21, 2015

P - Present
E - Excused
A - Absent

Roll Call

P Beal
P Deutsch
P Harrison
P Hawley
P Kirschman
P Novstrup (Al)
P Stalzer
P Wiik
P Willadsen
P Wollmann
P Zikmund
P Schoenbeck, Vice-Chair
P Rounds, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Tim Rounds, Chair.

MOTION: TO APPROVE THE MINUTES OF JANUARY 16, 2015

Moved by: Willadsen
Second by: Zikmund
Action: Prevailed by voice vote.

HB 1024: repeal certain outdated and unnecessary statutes related to the Department of Labor and Regulation.

Presented by: Tom Hart, Department of Labor and Regulation

MOTION: DO PASS HB 1024

Moved by: Willadsen
Second by: Stalzer
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Beal, Deutsch, Harrison, Hawley, Kirschman, Novstrup (Al), Stalzer, Wiik, Willadsen, Wollmann, Zikmund, Schoenbeck, Rounds

MOTION: PLACE HB 1024 ON CONSENT CALENDAR

Moved by: Stalzer
Second by: Kirschman
Action: Prevailed by voice vote.

HB 1025: revise certain provisions regarding banks and banking.

Presented by: Bret Afdahl, Division of Banking

MOTION: DO PASS HB 1025

Moved by: Willadsen
Second by: Harrison
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Beal, Deutsch, Harrison, Hawley, Kirschman, Novstrup (Al), Stalzer, Wiik, Willadsen, Wollmann, Zikmund, Schoenbeck, Rounds

MOTION: PLACE HB 1025 ON CONSENT CALENDAR

Moved by: Kirschman
Second by: Zikmund
Action: Failed by voice vote.

HB 1026: revise certain provisions related to the Department of Labor and Regulation.

Presented by: Tom Hart, Department of Labor and Regulation

MOTION: DO PASS HB 1026

Moved by: Stalzer
Second by: Zikmund
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Beal, Deutsch, Harrison, Hawley, Kirschman, Novstrup (Al), Stalzer, Wiik, Willadsen, Wollmann, Zikmund, Schoenbeck, Rounds

HB 1028: revise certain provisions regarding money transmitters and money transmissions.

Presented by: Bret Afdahl, Division of Banking

MOTION: DO PASS HB 1028

Moved by: Willadsen

Second by: Stalzer

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Beal, Deutsch, Harrison, Hawley, Kirschman, Novstrup (Al), Stalzer, Wiik, Willadsen, Wollmann, Zikmund, Schoenbeck, Rounds

HB 1027: revise certain provisions regarding the regulation of certain money lending activities.

Presented by: Bret Afdahl, Division of Banking

MOTION: AMEND HB 1027

1027fa

On page 6 of the printed bill, delete lines 6 to 11, inclusive, and insert:

" Section 6. That chapter 54-4 be amended by adding thereto a NEW SECTION to read as follows:

No person employed by a licensee to collect or attempt to collect any debt owed or due or asserted to be owed or due may:

- (1) Harass, oppress, or abuse a borrower by:
 - (a) Using any threat of violence or harm;
 - (b) Publishing a list of names of borrowers who refuse to pay their debts absent providing such information to credit reporting companies;
 - (c) Using obscene or profane language; or
 - (d) Repeatedly using the phone with the intent to annoy borrowers;
- (2) Use any false statement when attempting to collect a debt by falsely:

- (a) Claiming to be an attorney or government representative;
 - (b) Claiming that the borrower has committed a crime;
 - (c) Representing that the licensee operates or any person employed by the licensee works for a credit reporting company;
 - (d) Representing the amount the borrower owes;
 - (e) Representing the nature and character of any forms sent to the borrower in order to collect a debt;
 - (f) Indicating that the borrower will be arrested if the debt isn't paid;
 - (g) Using a company name;
 - (h) Indicating that the licensee will seize, garnish, attach, or sell a borrower's property or wages unless the licensee is permitted by law to take the action and the licensee intend to do so;
 - (i) Indicating that legal action will be taken against the borrower, if doing so would be illegal or if licensee intends does not intend to take the action;
- (3) Give false credit information about the borrower to anyone, including a credit reporting company;
- (4) Attempt to collect any interest, fee, or other charge on top of the amount a borrower owes unless the contract that created the debt or state law allows the charge;
- (5) Deposit a post-dated check early; or
- (6) Take or threaten to take the borrower's property unless it can be done legally."

Moved by: Schoenbeck
Second by: Hawley
Action: Prevailed by voice vote.

MOTION: DEFER HB 1027 UNTIL JANUARY 23, 2015

Moved by: Schoenbeck
Second by: Wollmann
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Beal
Second by: Kirschman
Action: Prevailed by voice vote.

Pam Kean
Committee Secretary

Tim Rounds, Chair